

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

SCOTT CRESPO,

Plaintiff,

v.

KEVIN SAUL,

Defendant.

No. 10-CV-05378

Judge: Hon. George M. Marovich

SCOTT CRESPO,

Plaintiff,

v.

BRANDON ZAUCHA, et al,

Defendant.

No. 10-CV-05536

SCOTT CRESPO,

Plaintiff,

v.

ANDY SETH, et al.,

Defendant.

No. 10-CV-06543

**AGREED MOTION TO RESET BRIEFING SCHEDULE FOR DEFENDANTS'
RULE 12(B)(6) MOTION**

Defendants , by and through their attorneys Zwillinger Genetski LLP, hereby move this Court pursuant to Federal Rule of Civil Procedure 6(b), to extend the time in which Defendants have to answer or otherwise plead in response to Plaintiff's Amended Complaints in the above-captioned matter and to reset a briefing schedule on Defendants' anticipated joint motion

pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of their Motion, Defendants state as follows:

1. On January 5, 2011, this Court issued an order granting Defendants' motion to reassign the three above-captioned cases to its docket. In that order, this Court also required that Plaintiff amend the complaint in 10-CV-6543 to correct a jurisdictional defect within 14 days of the case being reassigned to this Court's calendar.
2. On January 6, 2011, the Executive Committee reassigned 10-CV-5536 and 10-CV-6543 to this Court's calendar.
3. On January 6, 2011, the Parties filed a Joint motion to set a date for the filing of Plaintiff's amended complaint and Defendants' anticipated joint motion to dismiss. At that time, the parties discussed, and defendants conditioned their agreement to the briefing schedule on, the assumption that the only changes Plaintiff would make to the complaints would be to cure the jurisdictional defect raised by this Court and to potentially remove tournament allegations older than 2 ½ years from the complaints.
4. On January 7, 2011, this Court granted the Parties' Joint Motion. In that order, the Court set the following schedule: Plaintiff will file any amended complaints in the three cases by January 20, 2011, as required by this Court's January 5, 2011 order; on January 31, 2011, Defendants will file a joint motion pursuant to FRCP 12(b)(6); on February 21, 2011, Plaintiff will respond to the motion; on March 7, 2011, Defendants will reply.
5. On January 20, 2011, Plaintiff filed an agreed motion requesting additional time to file his amended complaints, until January 27, 2011.

6. On January 28, 2011, this Court granted Plaintiff's agreed motion and reset the briefing schedule as follows: Motion pursuant to Rule 12(b)(6) will be filed by February 10, 2011; response due by March 3, 2011; reply due by March 17, 2011.
7. The Plaintiff's amended complaints went beyond curing the jurisdictional defect identified by this Court and removing tournament allegations, as had been discussed by the parties' counsel.
8. Defendants, therefore, respectfully request that this Court grant them an extension of time and amend the briefing schedule as follows: Defendants will file their Joint Motion pursuant to Rule 12(b)(6) on February 18, 2011; Plaintiff will file a joint response by March 11, 2011; and Defendants will file a joint reply by March 25, 2011.
9. This extension is not sought for the purpose of delay or harassment, but is sought in order to provide Defendants and their counsel adequate time to discuss and prepare a proper responsive pleading. Plaintiff will not be prejudiced by the allowance of the requested extension.
10. Defendant's counsel has conferred with counsel for Plaintiff regarding this Motion and Plaintiff's counsel agrees to the extension of time and the amended briefing schedule.

WHEREFORE, the parties respectfully request that this Court enter an order setting the above described schedule.

Dated: February 1, 2011

Respectfully submitted,

/s Bart Huff

On behalf of Defendants
Bart Huff
Zwillinger Genetski LLP
300 N LaSalle St, 49th Floor
Chicago, IL 60654
bart@zwillgen.com
(312) 685-2278